REMARKS

Drawings

The drawings have been amended to include reference character nine and remove reference character 14.

Claim Rejections – 35 USC Section 102

Applicants submit that Hermann does not disclose "a plurality of network spans each comprising a working span and a protection span". Rather, Hermann discloses a network having "mutually protective ADM arms". Therefore, the spans in Hermann are designed such that <u>a portion of every arm</u> involved in transporting data between two nodes is reserved for protection traffic.

Illustrated in Figure 1 of Hermann is an example network having three possible spans (11, 13 and 15) between nodes A and C. Hermann states that "the capacity for this network, as seen by the signals travelling on any span other than from node A to C is 50% working traffic and 50% protection traffic" and that "the bandwidth available on all lines of network 20 is distributed so as to provide an increase of the working traffic between nodes A and C from ½ BW (50%) to 2/3BW".

Therefore, it can be seen that in the network described by Hermann if there are more than two spans between nodes A and C then the protection provision gets shared between them. However, if there were only two spans between the nodes then the provision protection would be 50% on each span, as described with reference to a two fibre bidirectional line switched rings (BLSR) in paragraph 4 of page 1 of the present application.

In the present invention the network is set up differently with a separate working span and a protection span. Whereas, in the network of Hermann on failure of one of the spans the working traffic is shared between two other working spans, in the present invention the working traffic is redirected onto a specially designated protection path. The network setup of the present invention can therefore be seen to be entirely different to that described in Hermann.

For these reasons Applicants submit that Hermann does not disclose "a plurality of network spans each comprising a working span and a protection span" or "a network

Claim 11 claims a node "arranged to permit the network to carry working data on the working spans and a portion of working data on the protection spans". As stated above only working spans having a portion of their bandwidth reserved for transmitting protection data is disclosed in Hermann. Therefore, Applicants submit that Hermann does not anticipate Claim 11.
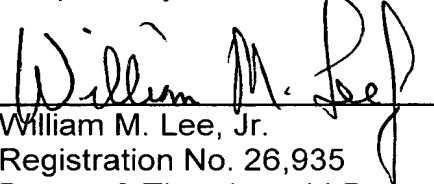
Claim 14 recites "each network span having a protection span and a working span". Therefore, for the same reasons as cited above, the method disclosed in Hermann would not be applicable to the network setup described in the current application. Therefore, Applicants submit that Hermann does not anticipate Claim 14.

Applicants submit that Claims 2 to 6, 8 to 10, 12, 13, 15 and 16 are patentable over the prior art at least by virtue of their dependencies.

Further and favorable reconsideration is therefore urged.

October 29 , 2004   Respectfully submitted,

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